



Cobb County...Expect the Best!

REQUIREMENTS FOR COMPLETING VARIANCE APPLICATION COBB COUNTY, GEORGIA

Application must be submitted in person to the Zoning Division, located at 1150 Powder Springs Street, Suite 400, Marietta, Georgia 30064, no later than **4:00 p.m. on the second Thursday of each month** (see attached hearing schedule) in order to be considered for the next scheduled public hearing.

EXAMPLE: A complete application filed by the second Thursday in March would be considered by the Board of Zoning Appeals on the second Wednesday in May [unless otherwise scheduled]. You are ***not*** required to wait until the second Thursday of each month to file an application.

The following items are required for submitting an application for a Variance:

1. **Original** notarized signatures of **titleholder(s)** and **representative(s)**.
2. If the **titleholder(s)** is a domestic or foreign corporation, then the following documentation shall also be required:

Written authentication with the presence of the corporate seal, or a facsimile thereof, attested by the secretary or assistant secretary of the corporation, or other officer to whom the bylaws or the directors have delegated the responsibility for authenticating records of the corporation, shall attest:

 - a) That the corporate seal or facsimile thereof affixed to the document is in fact the seal of the corporation or true facsimile thereof, as the case may be;
 - b) That any officer of the corporation executing the document does in fact occupy the official position indicated, that one in such position is duly authorized to execute such document on behalf of the corporation, and that the signature of such officer subscribed thereto is genuine; and
 - c) That the execution of the document on behalf of the corporation has been duly authorized.
3. A copy of the warranty deed that reflects the current owner(s) of the property.
4. A current legal description of the subject property.
5. A copy of current plot plan and current boundary survey drawn to scale and stamped by a **registered engineer, architect, land planner, or land surveyor** currently registered in accordance with applicable state laws. These plans must include: a) north arrow; b) land lot lines; c) district lines; d) lot lines e) angles; f) bearing and distances; g) adjoining street with right-of-way (present and proposed); h) paving widths; i) the exact size and location of all buildings along with intended use; j) buffer areas; k) parking spaces; l) lakes and streams; m) utility easements; n) limits of the 100-year floodplain and acreage of floodplain; o) cemeteries; p) wetlands; q) access points; and r) stream buffers (minimum 50' buffer).

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NOTE: Two (2) full size drawing to be no larger than 36" x 48" and two (2) copies of the site plan must be 8 ½" x 11".

6. A copy of the paid tax receipt for the subject property, or a statement signed by an official in the Tax Commissioner's Office or other official document issued by the Tax Commissioner's Office indicating the taxes have been paid.
7. A petition form for Consent of Contiguous Occupants or Land Owners is provided. In the event that applicant cannot obtain signatures on the petition form, a certificate of mailing to those contiguous owners shall be required. The certificate of mailing shall be submitted to the zoning office two weeks prior to the hearing.
8. Applicant, or representative for applicant, **must** attend the Variance Hearing. Failure to attend may result in dismissal with prejudice, rejection of the application or continuance of the hearing at the Board's sole discretion.
9. Application Fees:

*Residential - \$150.00	Churches - \$450.00	Livestock - \$25.00
	Builders - \$450.00	Chickens- \$150.00
	Commercial - \$500.00	

*To qualify as a residential request, the applicant must be the present or future resident.

10. In addition to the application fee, there is a **deposit of \$100.00** for signs, which will be refunded if signs are returned within **thirty (30)** days after the final decision by the Board of Zoning Appeals. There will also be a fee of **\$9.00 per sign** issued by the Zoning Division; this fee **will not** be refunded.
11. Signs provided by the Zoning Division **must** be posted on or near the right-of-way of the nearest public street thirty (30) days before the public hearing. Signs **must** be posted every 500 feet of public road frontage. Failure to post and maintain signs continuously may prohibit consideration of the application at any scheduled public hearing. It is the responsibility of the applicant to ensure that signs remain posted throughout the advertising period, **including the day of the public hearing and to remain posted until the final decision by the Board of Zoning Appeals.**
12. Any variance request may not be reconsidered for a period of twelve (12) months after it has been rejected by the Board of Zoning Appeals, unless by court order or pursuant to a settlement of litigation approved by the Board of Zoning Appeals.
13. Any sign variance request **must** provide a sign rendering showing: size, height, shape, illumination (external/internal) and structural details (footings).
14. Any variance affecting setbacks will be determined by a footings survey. See attached footings survey requirements from the Cobb County Development Standards and Specifications – (Sec. 103.19). A copy of the approved footing/foundation survey submitted at time of application for building permit must be attached.

Continued on next page

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NOTES: NO APPLICATION WILL BE ACCEPTED BY THE ZONING DIVISION UNLESS FILLED OUT IN ITS ENTIRETY, ALONG WITH ALL STAMPED PLOT PLANS AND BOUNDARY SURVEYS.

EACH SITE WILL BE INSPECTED BY COBB COUNTY ZONING STAFF TO INSURE VARIANCE SIGN(S) HAVE BEEN PROPERLY POSTED.

* Variance fees adopted by the Board of Commissioners on 09-28-10.

Revised: MARCH 6, 2013

Applicant's information for requesting backyard chickens

1. Is there a Homeowners Association (HOA) that oversees the property or subdivision? YES ____;NO ____ .
2. Does the HOA support your request? YES ____;NO ____; N/A- No HOA ____ .
3. Are there valid covenants or restrictions on the property that prohibit backyard chickens? YES ____NO ____.
(If there are valid covenants or restrictions prohibiting backyard chickens, then this application will not be heard by the Board of Zoning Appeals; This application will not be accepted, or will be withdrawn).
4. How many hens do you propose (no male birds allowed)? ____ .
5. Can you comply with the County Code Sec-134-94(4)(a-j) below? YES ____NO ____ .

Signature

Print Name

County Code adopted by the Board of Commissioners February 26, 2013:

Sec. 134-94 (4) Authorize upon appeal in specific cases related to the minimum lot size of two acres required to maintain poultry as pets or food source.

Poultry meaning a female pullet or hen of the Gallus gallus domesticus; also referred to as backyard chickens which are or may be raised for the purpose of providing food or companionship as a pet considering the following minimum conditions:

- (a) Written consent or opposition of adjacent property owners, including the homeowners association, if applicable;
- (b) The poultry shall be kept/ maintained within a fenced area;
- (c) Coops, or other buildings used for the poultry shall be located at least ten feet off any property line and/or in compliance with the accessory structure requirements in each zoning district;
- (d) The owner of the poultry shall keep the property maintained in a fashion that eliminates odors, pollution or other negative effects resulting from the poultry;
- (e) The poultry shall not cause a nuisance, as defined by State Law;
- (f) There shall be a maximum ratio of one bird per 5,000 square foot of lot area on any lot less than two acres;
- (g) The slaughter of any hen on site is strictly prohibited;
- (h) The fee for the variance application shall be \$150.00;
- (i) The duration of any Variance approved for Poultry as Pets or Food Source shall not exceed 2 years; renewable for subsequent 2 year terms thereafter;
- (j) Any Variance approved for Poultry as Pets or Food Source shall be considered by the Board of Commissioners' in accordance with Section 134-271(8).

IMPORTANT NOTE: The following announcement concerns variance applications requesting backyard chickens relating to the Official Code of Cobb County, Chapter 134-94(4), adopted by the Board of Commissioners on February 26, 2013. Applicants are advised that variance applications requesting backyard chickens which are approved by the Board of Zoning Appeals take the form of a recommendation to the Board of Commissioners (BOC), who makes a final determination whether to grant a special exception for the backyard chickens. The BOC determination will take place the following month at the scheduled Zoning Hearing.

Application for Variance

Cobb County

(type or print clearly)

Application No. _____

Hearing Date: _____

Applicant _____ Phone # _____ E-mail _____

(representative's name, printed) Address _____
(street, city, state and zip code)

(representative's signature) Phone # _____ E-mail _____

Signed, sealed and delivered in presence of:

My commission expires: _____

Notary Public

Titleholder _____ Phone # _____ E-mail _____

Signature _____ Address: _____
(attach additional signatures, if needed) (street, city, state and zip code)

Signed, sealed and delivered in presence of:

My commission expires: _____

Notary Public

Present Zoning of Property _____

Location _____
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) _____ District _____ Size of Tract _____ Acre(s)

Please select the extraordinary and exceptional condition(s) to the piece of property in question. The condition(s) must be peculiar to the piece of property involved.

Size of Property _____ Shape of Property _____ Topography of Property _____ Other _____

The Cobb County Zoning Ordinance Section 134-94 states that the Cobb County Board of Zoning Appeals must determine that applying the terms of the Zoning Ordinance without the variance would create an unnecessary hardship. Please state what hardship would be created by following the normal terms of the ordinance (If applying for Backyard Chickens pursuant to Sec.134-94(4), then leave this part blank).

List type of variance requested: _____

CONSENT OF CONTIGUOUS OCCUPANTS OR LAND OWNERS
TO ACCOMPANY APPLICATION FOR THE PURPOSE OF VARIANCE REQUEST

By signature, it is hereby acknowledged that I give my consent/or have no objection that _____
_____ intends to make an application to the appropriate Cobb County
Authorities for a variance request for the purpose of _____ on the
premises described in the application.

Signature	Printed name	Address
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
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16.		
17.		
18.		
19.		
20.		

CERTIFICATION BY OWNER/APPLICANT

I understand and certify that the maximum percentage of impervious surface for the development activity associated with this variance application shall conform to the limit for the specific Zoning District as detailed by the Official Code of Cobb County, Chapter 134, Article IV, District Regulations, (11) Use Limitations. Impervious surface shall include structures (principal and accessory), parking lots, driveways, walkways, non-wooden pool decks and the like, and non-permitted work.

Signature of property owner or owner representative: _____

Printed name: _____

Signature of property owner or owner representative: _____

Printed name: _____

COUNTY DEVELOPMENT STANDARDS AND SPECIFICATIONS

103.19.1 FOOTINGS SURVEY (Page 100 – 25)

A footings survey is required to be prepared anytime a building footprint (foundation wall) is proposed to be constructed within five feet of any applicable setback. The failure to prepare such a footings survey shall be a principal factor in determining whether or not to grant a variance.

On any development, prior to obtaining a building permit, the permittee or landowner must file a copy of a current plan and survey of the property sealed by a registered land surveyor providing such information as shall be required from the Cobb County Development and Inspections Department or its successor.

Prior to commencing pouring of footings, it shall be the responsibility of the builder or developer to accurately and clearly flag all pin corner boundaries or building setback lines prior to any footings inspection. Should the developer or builder desire to place any footing within five (5) feet of the applicable building setback line, the builder or developer shall provide a footings (foundation) survey signed by a registered land surveyor showing the footing location and the outer perimeter of the proposed structure. The failure to provide such a footing survey shall be a primary consideration in whether or not the Board of Zoning Appeals may deny a variance application.

Adopted by the Board of Commissioners on October 22, 1996

Effective Date: January 1, 1997

COBB COUNTY COMMUNITY DEVELOPMENT

2013 VARIANCE SCHEDULE

LAST FILING DAY	POST SIGNS	HEARING DATES
11/8/2012	12/10/2012	1/9/2013
12/13/2012	1/14/2013	2/13/2013
1/10/2013	2/11/2013	3/13/2013
2/14/2013	3/11/2013	4/10/2013
3/14/2013	4/8/2013	5/8/2013
4/11/2013	5/13/2013	6/12/2013
5/9/2013	6/10/2013	7/10/2013
6/13/2013	7/15/2013	8/14/2013
7/11/2013	8/12/2013	9/11/2013
8/8/2013	9/9/2013	10/9/2013
9/12/2013	10/14/2013	11/13/2013
10/10/2013	11/11/2013	12/11/2013
11/14/2013	12/9/2013	1/8/2014 Tentative
12/12/2013	1/13/2014	2/12/2014 Tentative

*Not on a regular scheduled day or time.

Last filing day is on the 2nd Thursday of each month until 4:00 p.m.

Variance Hearings start at 1:00 p.m. (unless otherwise indicated) and are held in the Commissioner's Meeting Room, 2nd Floor of the Cobb County Building A, 100 Cherokee Street, Marietta, Georgia.

Revised on November 26, 2012 at 4:44 PM